SECTION 16 - AMENDMENTS

16.1   JUSTIFICATION - When in the opinion of the Council a change in this Ordinance is required to achieve the objectives of the Zoning Plan and the General Plan for the City, this Ordinance may be amended by changing the boundaries of any district or by changing any provision hereof in accordance with the procedures prescribed in this Section.

16.2   APPLICATION FOR AMENDMENT

16.2.1   INITIATION - An application for a change in the boundaries of a district may be initiated by the owner of the property within the area for which a change of district is proposed or the authorized agent of the owner by filing an application for a change in district boundaries as prescribed herein. If the area for which a change of district is proposed is in more than one ownership, all the property owners or their authorized agents within such area shall join in filing the application.

A change in boundaries of any district or a change in the regulations contained herein may be initiated by resolution of the Commission, or by action of the Council in the form of a request to the Commission that it consider a proposed change, provided that in either case the procedure prescribed in Sections 16.4 through 16.7 of this Section shall be followed.

16.2.2   FORM AND CONTENT - Any application for an amendment by a property owner or his representative shall be made to the Commission upon a form prescribed by the Commission.

The application shall contain or be accompanied by the following data and no application shall be accepted by the Commission unless it is complete and in compliance with the requirements set forth herein.

(a)   Name and address of the applicant.

*   (b)   A Statement certifying under penalty of perjury that the applicant is the owner of the property, the authorized agent of the owner, or the master developer. Permits issued to the master developer shall not become effective until and unless ownership or lawful possession of the subject property is transferred to the master developer, or is a master developer authorized by the owner to implement the master development plan and the Redevelopment Agency approves a master development plan.

(c)   Address or description of the property.

(d)   A property description and title report of the property for which a change in classification is proposed.

(e)   A map showing the boundaries of the subject parcel and each separate lot or parcel within 300 feet of the exterior boundaries thereof together with a

list in duplicate of the names and addresses of the last known owners of each lot or parcel insofar as they are of public record.

*   16.3   FEE - The application shall be accompanied by a receipt showing that an application fee in accordance with the fee schedule established by the Commission has been paid to the Secretary of the Planning Commission.

16.4   HEARING BY COMMISSION - The Commission shall hold a public hearing within 40 days after acceptance of an application for a change of district boundaries or a proposal for a change of any provision contained in this Ordinance initiated by a property owner, the Commission or the Council.

**   16.4.1   NOTICE OF HEARING - Notice of the time, place, and purpose of each public hearing held by the Commission shall be given as follows:

The Secretary of the Planning Commission shall at least ten days and not more than 15 days prior to the date set for such hearing cause a notice of the time and place of said hearing including a general explanation of the matter to be considered and including a general description of the area affected to be published at least once in the newspaper designated in Section 2.3 of the Belmont City Code.

Notice by United States mail to each property owner whose name and address appears in the list accompanying such application which notice shall give the date, time and place of hearing, the name of the applicant and an identification of the subject property, and other such facts as may be prescribed by the Commission.

***   The public hearing on the application may be continued to the next regular meeting of the Commission or from time to time without further notice.

16.4.2   HEARING - During the public hearing the Commission shall review the application for amendment and may receive pertinent evidence as to the relationship of the proposed change to the achievement of the objectives of the Zoning Plan and the General Plan for the City.

16.5   ACTION BY THE COMMISSION - Within 30 days following the public hearing, or such longer time period as the Council may prescribe, the Commission shall make a specific finding as to whether the change in the district boundaries or of the district regulations is required to achieve the objectives of the Zoning Plan and the General Plan for the City.

16.6   REPORT TO COUNCIL - If the Commission finds that the change is required, it shall transmit a report in writing to the Council recommending that the application be granted or that the proposal be adopted. If the Commission finds that the change is not required, it shall deny the application or reject the proposal and shall transmit a written report of its action to the Council.

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16.7   ACTION BY COUNCIL - Upon receipt of a report of the Commission's action the Council shall review the application at a public meeting at which it shall consider the report of the Commission.

The Council shall make a specific finding as to whether the proposed Amendment is required to achieve the objectives of the Zoning Plan and the General Plan for the City.

16.8   ORDINANCE AMENDMENT - If the Council finds that the change is required, it shall enact an ordinance amending the Zoning Map or an ordinance amending the regulations contained in this Ordinance, whichever is appropriate.

If the Council finds that the change is not required, it shall deny the application or reject the proposal.

A change in a district boundary shall be indicated on the Zoning Map following enactment of an ordinance amending the map.

*   16.9   Deleted

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